

DE919990097US1

09/746,190

REMARKSInterview Summary:

The applicant respectfully thanks the examiner for granting the telephone interview of May 2, 2005 at 3:00 PM. In the interview, the examiner indicated that claim 33 would overcome the cited art if it included all the limitations of claim 31. Furthermore, the examiner suggested the language of the claims could more clearly depict the storing of the portion in the local file element.

The examiner noted that claim 31 included a repeated "at at" in the final element and requested that the typographical error be corrected.

The applicant agreed to combine the limitations of claims 33, 32 and 31 in order to overcome the cited art.

Reply to Office Action:

In the telephone interview, the examiner said that claim 33 providing the limitation of skipping already downloaded portions would overcome the cited art. The applicant herein has amended the claims to include the limitation.

According to the interview, claim 33 overcomes the cited art. therefore the applicant has incorporated all of the limitations of claim 31, 32 and 33 into amended claim 31 and canceled claims 32 and 33. The applicant respectfully submits that claim 31 as amended is allowable, which allowance is requested.

The applicant has amended independent claims 47 and 54 to include the limitations of amended claim 31 and canceled claims 48, 49, 55 and 56. Claims 47 and 54 as amended are in condition for allowance, which allowance is respectfully requested.

The applicant has amended claim 40 to include the limitations of claim 33 and canceled claims 42 and 45. The applicant

DE919990097US1

09/746,190

respectfully submits that claim 40 as amended is allowable, which allowance is requested.

The applicant has amended independent claims 50 and 57 to include the limitations of amended claim 31 and canceled claim 59. Claims 50 and 57 as amended are in condition for allowance, which allowance is respectfully requested.

On page 2 of the office action the examiner rejected claims 32-60 under 35 U.S.C. 102(e) as being anticipated by Valhalia et al., US Patent No. 5,933,603.

The Valhalia patent is directed to a video streaming server providing streamed video for viewing, starting at a point selected by the client. Accordingly, Valhalia streams the video data to the client starting at the selected point and proceeding to the end.

The current invention provides for downloading a file by downloading portions of the file out of order. A portion is only useable by the client when it has been completely downloaded (but before all the portions of the file have been downloaded). Valhalia has no need to download all portions of the video stream as only the portion from the selected point to the end will be presented to the user. Furthermore, Valhalia does not contemplate providing portions out of order as shown in the claims. Valhalia does not contemplate skipping portions already downloaded as shown in the claims for the same reasons.

The examiner says that Valhalia teaches claim 31, "a method for transferring remote files from a remote server to a local client, the method comprising the steps of:

receiving at the local client a portion request from a local portion requester to retrieve a portion of a remote file from the remote server to a local file at the client server, the remote file having one or more first portions preceding a second portion, the portion request comprising information specifying

DE919990097US1

09/746,190

the second portion of the remote file (see col 2 lines 48-col.3 lines 15), the user selects a media file where the user's request includes a specific portion by the user)";

The examiner says that Valhalla teaches "determining the status of portions received from the remote file (see col 23 lines 1-18, the server determines if the specified portion is fetched on the media server or not);", the applicant disagrees. Valhalla does not show any action to determine if the client has received portions. The reference cited is to the server providing the remote file, not the client.

The examiner says that Valhalla teaches "responsive to the portion request, when the status of the portions received indicates that the second portion has not been received at the local file and when one of the one or more first portions has not yet been received from the remote file, initiating from the local client the retrieval of the second portion of the remote file to the local file (see col 23 lines 1-18, if the specified portion is not fetched on the server the portion is located at a different server and streamed to the requesting user); and". The applicant disagrees. Since Valhalla does not teach the client determining status, Valhalla can not be construed as electing to initiating a portion retrieval based on such status.

The examiner says that Valhalla teaches "when the second portion has been received at second portion of the local file, making the second portion of the local file available to the portion requester (see col 23 lines 1-18, the selected portion is streamed to the user)." The applicant disagrees. Valhalla makes the streaming video available for viewing as it is being received. Valhalla does not wait until the second portion is completely received before making it available to the requester. Furthermore, Valhalla does not contemplate receiving the portion in a local file, rather, the data being streamed is provided to the viewer as it is received.

DE919990097US1

09/746,190

The applicant has amended claims 41, 51 and 58 for typographical errors. The applicant submits that claims 41, 51 and 58 as amended are allowable as they depend on allowable claims, which allowance is respectfully requested.

It is respectfully submitted that the application is now in condition for allowance, which allowance is respectfully requested.

RESPECTFULLY SUBMITTED

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